

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: CV 17-00871-AB (SSx)

Date: September 7, 2018

Title: *Thunder Studios, et al. v. Charif Kazal, et al.*

Present: The Honorable **ANDRÉ BIROTTE JR., United States District Judge**

Carla Badirian
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Plaintiffs:

None Appearing

Attorneys Present for Defendants:

None Appearing

**Proceedings: [In Chambers] ORDER DENYING *EX PARTE*
APPLICATION TO COMPEL ATTENDANCE AT
MEDIATION**

Before the Court is Plaintiffs' *ex parte* application to compel Defendants' personal attendance at the mediation currently scheduled for September 12, 2018. Dkt. No. 129. Plaintiffs base their application on the Central District of California's General Order No. 11-10, which requires each party to appear at a mediation "in person or by a representative with final authority to settle the case." Order No. 11-10 § 8.5. Plaintiffs request terminating sanctions if Defendants fail to appear in person.

Defendants oppose Plaintiffs' application. Dkt. No. 133. Defendants live overseas and also are involved in time-sensitive litigation in Australia, which makes in-person attendance at the mediation on September 12 impracticable. For that reason, Defendants propose that Defendants' counsel attend the mediation in person with Defendants participating by telephone or video conference.

To the Court, Defendants' proposition seems perfectly reasonable. Plaintiffs' filing of this *ex parte* application suggests that either (1) the parties failed to meet and confer

before Plaintiffs filed the application, or (2) Plaintiffs are unwilling to make even minor concessions to accommodate Defendants. Either way, the Court hopes that this *ex parte* application is not a harbinger of how the parties will conduct themselves during the upcoming mediation. Plaintiffs' *ex parte* application is **DENIED**.

IT IS SO ORDERED.